



PTO/SB/30 (8/2000)

Approved for use through 10/31/2002 OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of a utility or plant application  
filed on or after June 8, 1995,  
See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/490,609
Filing Date	January 25, 2000
First Named Inventor	Bunch et. al.
Group Art Unit	1635
Examiner Name	J. Zara
Attorney Docket Number	S03170/US

TECH CENTER 1600/2900  
SEP 28 2002

RECEIVED

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of an RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE Practice.

1. Submission required under 37 C.F.R. § 1.114.a. ☐ Previously submitted

- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed \_\_\_\_\_ on \_\_\_\_\_
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-1025
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other any additional fees required
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Rachel A. Polster	Registration No. (Attorney / Agent)	47,004
Signature	<i>Rachel A. Polster</i>	Date	August 2, 2002

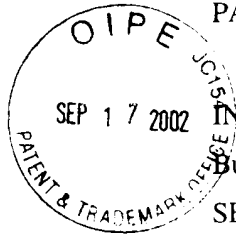
## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Name (Print / Type)	Rachel A. Polster	Date	August 2, 2002
Signature	<i>Rachel A. Polster</i>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

09/490,609



PATENT

Case SO-3170-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Bunch, R. T. et al.

GROUP ART UNIT: 1635

SERIAL NUMBER: 09/490,609

EXAMINER: J. Zara

FILED: January 25, 2000

DATE: September 12, 2002

TITLE: BIOMARKERS AND ASSAYS FOR CARCINOGENESIS

RECEIVED

SEP 23 2002

TECH CENTER 1600/2900

I hereby certify that this correspondence is being  
deposited with the United States Postal Service as  
First Class Mail in an envelope addressed to:  
Box: New Patent Applications  
Commissioner of Patents and Trademarks,  
Washington D.C., 20231 on September 12, 2002  
Rachel Polster  
Registration No. 47,004

*Rachel A. Polster* Date: *Sept. 12, 2002*

REPLY UNDER 37 C.F.R. § 1.111

Commissioner of Patents and Trademarks

Washington, D. C. 20231

Sir:

This is in response to the Notice of Non-Compliant Amendment dated August 22, 2002, having a Shortened Statutory Period for Response which is set to expire on September 22, 2002. Applicants respectfully request that the notice be withdrawn, as applicants had filed both a version with markings to show changes made and a clean version of the amended claims. Attached herewith please find a copy of the originally filed amendment.

Respectfully submitted,

*Rachel A. Polster*

Rachel A. Polster

Registration No. 47,004

Telephone: 314-694-7354

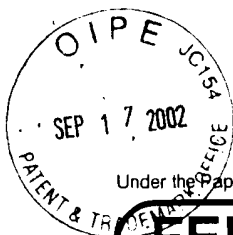
Pharmacia Corp. Patent Dept.

Patent Department Central

800 N. Lindbergh Blvd., Mail Zone O4E

St. Louis, MO 63167

Encl.



PTO/SB/17 (11-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

\$740.00

Complete if Known

Application Number 09/490,609

Filing Date January 25, 2000

First Named Inventor Bunch et. al

Examiner Name J. Zara

Group Art Unit 1635

Attorney Docket No. S03170/US

RECEIVED

TECH CENTER 1600 2900

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		<b>3. ADDITIONAL FEES</b>	
<input checked="" type="checkbox"/> Deposit Account:		<b>Large Entity</b> <b>Small Entity</b>	
Deposit Account Number 19-1025		Fee Code Fee (\$)	
Deposit Account Name Pharmacia Corporation		Fee Description Fee Paid	
The Commissioner is authorized to: (check all that apply)		105 130 205 65 Surcharge - late filing fee or oath	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Credit any overpayments		127 50 227 25 Surcharge - late provisional filing fee or cover sheet	
<input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application		139 130 139 130 Non - English specification	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.		147 2,520 147 2,520 For filing a request for <i>ex parte</i> reexamination	
		112 920* 112 920* Requesting publication of SIR prior to Examiner action	
		113 1,840* 113 1,840* Requesting publication of SIR after Examiner action	
		115 110 215 55 Extension for reply within first month	
		116 400 216 200 Extension for reply within second month	
		117 920 217 460 Extension for reply within third month	
		118 1,440 218 720 Extension for reply within fourth month	
		128 1,960 228 980 Extension for reply within fifth month	
		119 320 219 160 Notice of Appeal	
		120 320 220 160 Filing a brief in support of an appeal	
		121 280 221 140 Request for oral hearing	
		138 1,510 138 1,510 Petition to institute a public use proceeding	
		140 110 240 55 Petition to revive - unavoidable	
		141 1,280 241 640 Petition to revive - unintentional	
		142 1,280 242 640 Utility issue fee (or reissue)	
		143 460 243 230 Design issue fee	
		144 620 244 310 Plant issue fee	
		122 130 122 130 Petitions to the Commissioner	
		123 50 123 50 Processing fee under 37 CFR § 1.17(q)	
		126 180 126 180 Submission of Information Disclosure Statement	
		581 40 581 40 Recording each patent assignment per property (times number of properties)	
		146 740 246 370 Filing a submission after final rejection (37 CFR § 1.129(a))	
		149 740 249 370 For each additional invention to be examined (37 CFR § 1.129(b))	
		179 740 279 370 Request for Continued Examination (RCE) 740.00	
		169 900 169 900 Request for expedited examination of a design application	
		Other fee (specify) _____	
<b>1. BASIC FILING FEE</b>		SUBTOTAL (3) \$740.00	
<b>Large Entity</b> <b>Small Entity</b>			
Fee Code Fee (\$)		Fee Description Fee Paid	
101 740 201 370 Utility filing fee			
106 330 206 165 Design filing fee			
107 510 207 255 Plant filing fee			
108 740 208 370 Reissue filing fee			
114 160 214 80 Provisional filing fee			
SUBTOTAL (1)			
<b>2. EXTRA CLAIM FEES FOR UTILITY AND</b>			
Total Claims -20** = 0 X Fee from below = 0.00			
Independent Claims -3** = 0 X Fee from below = 0.00			
Multiple Dependent _____ = _____			
<b>Large Entity</b> <b>Small Entity</b>			
Fee Code Fee (\$)		Fee Description Fee Paid	
103 18 203 9 Claims in excess of 20			
102 84 202 42 Independent claims in excess of 3			
104 280 204 140 Multiple dependent claim, if not paid			
109 84 209 42 ** Reissue independent claims over original patent			
110 18 210 9 ** Reissue claims in excess of 20 and over original patent			
SUBTOTAL (2) \$0.00			
**or number previously paid, if greater; For Reissues, see above			

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type) Rachel A. Polster	Registration No. (Attorney/Agent) 47,004	Telephone 314-694-7354	
Signature <i>Rachel A. Polster</i>		Date August 2, 2002	

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

SEP 17 2002

**TRANSMITTAL LETTER  
(General - Patent Pending)**

Docket No.  
S03170/US

In Re Application Of: **Bunch et. al.**

Serial No.  
09/490,609

Filing Date  
January 25, 2000

Examiner  
J. Zara

Group Art Unit  
1635

Title: **Biomarkers and Assays for Carcinogenesis**

RECEIVED

SEP 23 2002

TECH CENTER 1600/2900

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**Amendment, Continued Examination (RCE) Transmittal, Transmittal Letter, Fee Transmittal, Certificate of Mailing, and return postcard**

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **19-1025** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.

*Rachel A. Polster*

Signature

Dated: **August 2, 2002**

I certify that this document and fee is being deposited on August 2, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

*Rachel A. Polster*

Signature of Person Mailing Correspondence

**RACHEL A. POLSTER**

Typed or Printed Name of Person Mailing Correspondence

CC:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **Bunch et. al.**

Docket No.

**S03170/US**

Serial No.

**09/490,609**

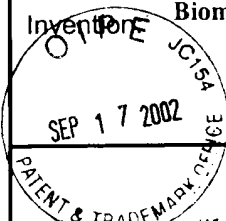
Filing Date

**January 25, 2000**

Examiner

**J. Zara**

Group Art Unit

**1635****Biomarkers and Assays for Carcinogenesis****RECEIVED****SEP 23 2002****TECH CENTER 1600/2900**

I hereby certify that the following correspondence:

**Amendment, Amendment Transmittal Letter, Continued Examination (RCE) Transmittal, Transmittal Letter, Fee Transmittal, and return postcard***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

**August 2, 2002***(Date)***RACHEL A. POLSTER***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***EL 775247024 US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

**AMENDMENT TRANSMITTAL LETTER (Large Entity)**Applicant(s): **Bunch et. al**

Docket No.

**S03170/US**

Serial No.

**09/490,609**

Filing Date

**January 25, 2000**

Examiner

**J. Zara**

Group Art Unit

**1635**Invention: **PBR markers and Assays for Carcinogenesis****RECEIVED****SEP 23 2002****SEP 17 2002**TO THE ASSISTANT COMMISSIONER FOR PATENTS:**TECH CENTER 1600/2900**

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

**CLAIMS AS AMENDED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	9 -	33 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	3 -	12 =	0 x	\$80.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_  
A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. \_\_\_\_\_  
A duplicate copy of this sheet is enclosed.
- ☐ Any additional filing fees required under 37 C.F.R. 1.16.
- ☐ Any patent application processing fees under 37 CFR 1.17.

*Rachel A. Paster*  
\_\_\_\_\_  
Signature

Dated: **August 2, 2002**

I certify that this document and fee is being deposited on August 2, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

*Rachel A. Paster*

Signature of Person Mailing Correspondence

**RACHEL A. PASTER**

Typed or Printed Name of Person Mailing Correspondence

CC:



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED:

**Notice of Non-Compliant Amendment (37 CFR 1.121)**

The amendment filed on Aug. 2, 2002 is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000 and 1238 O.G. 77, Sept. 19, 2000).

- ☐ The amendment does not include a clean version of the **replacement paragraph/section**. 37 CFR 1.121(b)(1)(ii)
- ☐ The amendment does not include a marked-up version of the **replacement paragraph/section** 37 CFR 1.121(b)(1)(iii)
- ☒ The amendment does not include a clean version of the **amended claim(s)**. 37 CFR 1.121(c)(1)(i)
- ☐ The amendment does not include a marked-up version of the **amended claim(s)**. 37 CFR 1.121(c)(1)(ii)

**For your convenience, attached to this correspondence is a copy of an informational flyer (MPEP Bookmark Bulletin on "Simplified Amendment Practice").**

Applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121, effective March 1, 2001, in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 C.F.R. 1.136(a).**

H. Turner  
Legal Instruments Examiner